

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES THOMAS and DAVID HIXSON,)
)
Plaintiffs,)
)
v.) Case No. 3:17-cv-00005
) Judge Aleta A. Trauger
BILL HASLAM, Governor of Tennessee,)
in his official capacity; DAVID W.)
PURKEY, Commissioner for the)
Department of Safety and Homeland)
Security, in his official capacity; and)
HERBERT SLATERY, III, Attorney)
General and Reporter, in his official)
capacity,)
)
Defendants.)

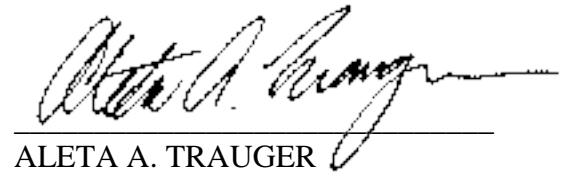
ORDER

For the reasons explained in the accompanying Memorandum, the Motion for Summary Judgment filed by Tennessee Department of Safety and Homeland Security (“TDSHS”) Commissioner David W. Purkey (“Commissioner”) (Docket No. 61) is hereby **DENIED** and the Motion for Summary Judgment filed by James Thomas and David Hixson (Docket No. 37) is **GRANTED**. The court **DECLARES** that Tenn. Code Ann. § 40-24-105(b), as written, violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution because it provides for no exception from revocation for debtors whose failure to pay is based solely on their indigence. The Commissioner is hereby **ORDERED** to cease all revocations of driver’s licenses for nonpayment of court debt pursuant to Tenn. Code Ann. § 40-24-105(b), unless or until the State of Tennessee lawfully adopts a process for providing an exception to revocation based on inability to pay the relevant debt that is consistent with the court’s Memorandum. The Commissioner is further **ORDERED** not to withhold reinstatement

of the driver's license of any person whose license was revoked pursuant to Tenn. Code Ann. § 40-24-105(b), based solely on his failure to pay court debt or related reinstatement fees. The Commissioner is **ORDERED** to submit a plan, within 60 days of the entry of this order, for lifting the revocations of persons whose licenses were revoked pursuant to Tenn. Code Ann. § 40-24-105(b) and providing a process for reinstatement, including, where legally appropriate, automatic reinstatement for any driver who faces no obstacle to holding a Tennessee driver's license other than his Tenn. Code Ann. § 40-24-105(b) revocation.

It is so **ORDERED**.

ENTER this 2nd day of July 2018.



ALETA A. TRAUGER
United States District Judge